

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14938 of the Shell Oil Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 726 to allow the proposed addition and expansion of an existing gasoline station in a C-2-A District at premises 1550 Pennsylvania Avenue, S.E., (Square 1077, Lot 815).

HEARING DATE: February 15, 1989
DECISION DATE: March 1, 1989

FINDINGS OF FACT:

1. The site is bounded by Kentucky Avenue on the north, Barney Circle to the east, and Pennsylvania Avenue to the south and is known as premises 1550 Pennsylvania Avenue, S.E. It is zoned C-2-A.

2. The site is irregularly shaped with 252 feet of frontage along Pennsylvania Avenue, a depth of 40.78 feet along Barney Circle, and a depth of 79.95 feet on the western property line. The rear of the site abuts a ten foot wide public alley which runs parallel to Pennsylvania Avenue for approximately 120 feet then travels north 54.44 feet to Kentucky Avenue. The site has a frontage of 120 feet along Kentucky Avenue.

3. The area surrounding the site is characterized by a mix of uses. Extending west of Barney Circle along Pennsylvania Avenue is a C-2-A District. On the north side of Pennsylvania Avenue are three-story residential rowhouses and a Domino's Pizza franchise. South of the site across Pennsylvania Avenue is a McDonald's franchise. West of this is another group of three-story row buildings containing real estate offices, a florist, a beauty parlor, a food store, and some residential uses. East of the site is a C-M-1 District along the Anacostia waterfront. Further east, the John Philip Sousa Bridge crosses the Anacostia River. North of the site across the ten foot public alley is an R-4 District containing two and three-story rowhouses.

4. The site is currently developed with a one-story masonry structure which was formerly occupied as a gasoline service station. The site has been vacant for several years.

5. The applicant proposes to raze the existing improvements and is seeking special exception relief

pursuant to 11 DCMR 726 in order to establish a new gasoline service station on the site. The applicant further proposes to establish an accessory convenience store and car wash on the site. Both the convenience store and the car wash are permitted as a matter of right in the C-2-A District.

6. The applicant proposes to remove the existing underground storage tanks and replace them with new double-walled storage tanks to upgrade the safety of the station.

7. The applicant proposes to provide four multigrade dispenser pump islands. Three of the pump islands will be located on the southern portion of the site parallel to Pennsylvania Avenue. The fourth pump island will be close to Kentucky Avenue and is oriented parallel to Pennsylvania Avenue. The pump islands will be covered by an L-shaped lighted canopy to protect customers from the elements. All direct rays of lighting will be oriented downward and will be confined to the site.

8. The applicant proposes to construct a twenty foot by forty foot building at the corner of the site abutted by Kentucky Avenue and the ten foot public alley. The building will contain the cashiers booth, retail space for sale of convenience foods, storage areas, coolers and a restroom. There will be no food preparation on site.

9. The proposed car wash will be located on the southwest portion of the site adjacent to the Pennsylvania Avenue frontage. The car wash building measures eighteen by thirty-six feet. Immediately north of the car wash building is an eight foot by twenty-four foot utility building. Fifteen automobile reservoir spaces are provided as required by the Zoning Regulations.

10. There will be four curb cuts on the site. Two curb cuts are currently located on Kentucky Avenue and will remain in place. Three curb cuts are currently located on Pennsylvania Avenue; however, only two of these will remain. The third, located at the western edge of the site, will be removed in order to facilitate traffic flow into the car wash. The applicant will repair the sidewalks where necessary. A dumpster will be located adjacent to the car wash, on its north side.

11. The applicant proposes extensive landscaping of the subject site. The proposed landscaping includes shrubs of various heights along Barney Circle, grass and shrubs along the Pennsylvania and Kentucky Avenue frontages, and a landscaped area along the public alley on the north of the site. The applicant further proposes to erect a fence along the public alley to the north to further buffer the site from residential buildings located across the public alley.

12. The applicant proposes to provide three on-site parking spaces as required by the Zoning Regulations on the eastern portion of the site. In addition, one handicapped parking space will be provided adjacent to the convenience store building. All spaces are designed to be accessible at all times.

13. The proposed facility is separated from the nearest residential property by a ten foot public alley to the northeast and by the 120 feet right-of-way of Kentucky Avenue to the north.

14. The four curb cuts to be retained on the site are located more than twenty-five feet from the closest residential district or are separated therefrom by the ten foot wide public alley.

15. There is no driveway located closer than forty feet to a street intersection as measured from the curb lines extended.

16. There will be no automobile repair facilities at the subject site. No grease pits or hoists will be provided.

17. The applicant's traffic consultant testified that the operation of the proposed facility, including the convenience store and car wash uses, will not create any dangerous or objectionable traffic conditions and would not cause a perceptible impact on traffic in the area nor any deterioration in the current level of service on adjacent streets. The traffic consultant further testified that the proposed driveways and internal circulation patterns will adequately service travel into and off of the site and that the proposed parking spaces adequately serve the site and are accessible at all times. The Board so finds.

18. The Office of Planning (OP), by memorandum dated February 7, 1989, recommended that the application be approved subject to favorable recommendation by the Department of Public Works. The OP was concerned that the proposed car wash may have an adverse impact on neighboring residential properties if adequate screening and landscaping are not provided and maintained. The Department of Public Works did not submit a recommendation on the application.

19. Advisory Neighborhood Commission (ANC) 6B, by letter dated February 2, 1989, opposed the granting of the application based on the following issues and concerns:

- a. The proposed facility would create dangerous and objectionable traffic conditions at the Barney Circle and Kentucky Avenue interchange resulting from its primary trade market, i.e. inbound traffic on Pennsylvania Avenue.

b. The 24-hour operation of the convenience store and "gas'n'go" operation would generate unacceptable levels of trash and would tend to encourage congregating of undesirable criminal elements in the area, with a minimum of social controls in place.

c. The proposed car wash is inappropriate in the C-2-A area and is not needed or desired by neighborhood residents.

d. The area is already well-served by food markets.

e. The proposed uses are inconsistent with the alternative Draft Ward Six Plan and with the designation of Pennsylvania Avenue as a national landmark and special site constituting a ceremonial gateway to the U.S. Capitol.

f. The proposed uses will cause irreparable harm to the immediate area and are not in harmony with the general purpose and intent of the Zoning Regulations and map.

20. The Capitol Hill Restoration Society, by letter dated February 18, 1989, opposed the granting of the application on the grounds that it would be inconsistent with the purposes of the C-2-A District and that it would adversely affect the use and value of neighboring residential property.

21. Several area residents testified at the public hearing and the record contains a petition in opposition to the application. In addition to the issues and concerns raised by the ANC, the area residents expressed the following concerns:

a. The proposed facility will decrease the property value of residences on the north side of the public alley.

b. There will be increased noise from clients queuing for entrance to the car wash and littering in the area due to the convenience store use.

c. Loitering on the site could create security problems for senior citizens at the bus stop immediately adjacent to the site on Pennsylvania Avenue.

d. The proposed facility will be a "gas'n'go" operation and will not provide needed automobile

repair services such as were provided by the previous gas station.

22. In addressing the issues and concerns of the ANC and the opposition, the Board finds as follows:

a. The location of the proposed car wash and convenience store at the subject site is permitted as a matter of right in the C-2-A District. While those uses are not formally before the Board, the Board is persuaded that the applicant has adequately addressed their impact on adjacent residences through its plans for fencing, landscaping and on-site pedestrian and vehicular circulation patterns.

b. As a special exception, a gasoline service station use has been pre-determined to be compatible with other uses in the C-2-A district provided that the criteria set forth in the Zoning Regulations are met. The Board finds that the applicant has shown substantial compliance with the requirements of the Zoning Regulations.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted special exception relief, the applicant must demonstrate substantial compliance with the requirements of Sections 726 and 3108 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed facility is separated from the closest residential district by a public alley and a public street. All vehicular entrances and exits are in excess of twenty-five feet from the nearest residential district or separated from that district by a public alley or street. All driveways are located in excess of forty feet from the closest street intersections as measured by the curb lines extended. There are no grease pits or hoist on the subject site. The use will not create any dangerous or objectionable traffic conditions. The design and appearance of the facility will not adversely affect neighboring property owners. Three on-site parking spaces are provided as required by the Zoning Regulations.

The Board further concludes that the approval of the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and that the use will not tend to adversely affect the use of neighboring property. The Board concludes that it has accorded the ANC the "great weight" to which it is entitled. Accordingly it is ORDERED that the application is hereby GRANTED.

VOTE: 4-1 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant, Elliott Carroll opposed to the motion by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 21 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14938order/KRIST1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14938

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated AUG 21 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Evelyn B. Washington, Chairperson
Advisory Neighborhood Commission 6B
021 Pennsylvania Avenue, S.E., Suite 108
Washington, D.C. 20003

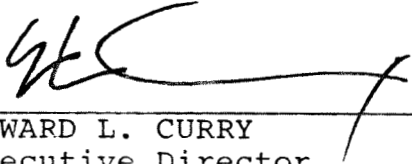
Lawrence A. Monaco, Jr., Chairman
Zoning Committee
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Ms. Sharee Freeman
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EDWARD L. CURRY
Executive Director

DATE: AUG 21 1989